

TOPIC: STUDENT APPEALS: RECOMMENDATION FOR APPROVAL OF REVISED CCHE POLICY I, PART T:

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I. SUMMARY

This action item recommends that the Commission approve the attached revised version of CCHE Policy I, Part T: Student Appeals.

II. BACKGROUND

In an effort to remove unnecessary regulation and streamline Commission policies, department staff have been meeting with leaders of student and academic affairs for the purpose of revising the CCHE's Student Appeals Policy (CCHE Policies & Procedures Section I, Part T). Based on feedback from the campuses, the following changes have been made:

1. Changing the name of the policy from "Student Appeals" to "Student Complaint Policy."
2. Including private institutions of higher education (Sections 2.02 & 4.05).
3. Distinguishing between complaints based on procedural versus substantive grounds (Sections 1.00 & 3.03.05 & 3.03.06 & 4.04.01) and clearly explicating the department's authority to act on complaints (Section 2.01).
4. Elimination of the appeal process.

Department staff began meeting in fall 2011 to recommend changes to the policy. The proposed changes were then vetted multiple times, both early in the process and at the end of the process, with members of Academic Council and Student Affairs Council; additionally, the policy was reviewed by several private institutions' attorneys.

III. DEPARTMENT OF HIGHER EDUCATION ANALYSIS

The basis for the CCHE's student complaints policy is found in the following sections of Colorado Revised Statutes:

1. 23-1-108(13), which states in part that, "...academic degree programs at state-supported institutions of higher education be designed and implemented to assure and emphasize that undergraduate students have the maximum range of opportunities and assistance to complete their course of study and obtain their degree in a reasonable amount of time."
2. 23-5-122, which states in part that, "...the governing board of every state-supported institution of higher education shall have in place and enforce policies regarding transfers by students between undergraduate degree programs which are offered within the same institution or within the same institutional system."
3. 23-1-125, the "Student Bill of Rights," which sets requirements for academic degrees, implementation of core courses, and competency testing at public institutions of higher education.
4. 23-2-104(2)(a), which states in part that, "The commission shall specify procedures by which a student or former student of a private college or university or seminary or religious training institution may file a complaint with the department concerning the institution in which the student is or was enrolled..." and defines deceptive trade practices at private institutions of higher education [23-2-104(4)].

This guidance from statute was used to develop the proposed revisions to this policy. Though this policy was lengthened in order to incorporate procedures for private institutions, Department staff believe that it better reflects the intent and scope of the law. Also, many of the proposed changes found in this action item were made to create a simpler and more coherent policy.

Specific changes from the current policy to this revised version are as follows:

1. Section 1.00 clarifies that this policy also applies to private institutions. This section also distinguishes between the state's authority to investigate complaints made on procedural grounds versus those made on substantive grounds.
2. Section 2.00 directs students to file claims of discrimination with the Department of Regulatory Agencies (DORA), Division of Civil Rights.
3. Sections 2.01 and 2.02 distinguish the state's statutory authority between public and private institutions.
4. Section 3.03 has been expanded to help the reader understand new terminology, such as the difference between "substantive grounds" (where statute gives authority to the Commission and the department may investigate the substance of the complaint) and "procedural grounds," for which the Department's responsibilities are limited to a review of compliance with an institution's own official procedures.

5. Section 4.01 was added to explain the “Responsibilities of the Student,” which include exhausting all remedial opportunities at the institution before filing a complaint with the department.
6. Section 4.05 was added to explain the “Responsibilities of the Private Institutions of Higher Education.”
7. Sections 4.04 “Role of CCHE’s Appeal Board” and 5.00 “Commission Appeal Process and Procedures” in the current policy were struck from the proposed revision because there is no basis in statute for appeals to the Commission. Rather, possible outcomes of filing a complaint with the Department are outlined in Section 1.00 “Introduction” of the proposed policy revision. Upon approval of this revised version of the policy, department staff’s next task will be to finalize the internal procedure to ensure student complaints are handled in a timely and consistent manner.

A copy of the revised policy showing track changes can be found in Attachment A. A clean version of the revised policy can be found in Attachment B.

The proposed, revised policy is in line with statute and other CCHE policies. It has been vetted with the Student Affairs Council, campus judicial officers, Chief Academic Officers, the General Counsel for Colorado State University, department staff, and the following private institutions: University of Denver, Colorado College, Regis University, Colorado Christian University, University of Phoenix, Westwood College, Colorado Technical University, and Rocky Vista University.

V. STAFF RECOMMENDATION

That the Commission approve the attached revised version of CCHE Policy I, T: Student Complaint Policy.

VI. SUPPLEMENTAL INFORMATION

Copies of all relevant statute and policy are on file in the Department of Higher Education.

VII. STATUTORY AUTHORITY

C.R.S. 23-1-108 – Duties and powers of the commission with regard to systemwide planning.

C.R.S. 23-1-125 – Commission directive – student bill of rights – degree requirements – implementation of core courses – competency test.

C.R.S. 23-2-104 – Administration of article – complaints – injunctive proceedings.

C.R.S. 23-5-122 – Intrainstitutional and intrasystem transfers – course scheduling.